

ALTERATION PROJECTS UNDER - \$25,000 AND UNDER**95-01**

Reference: 2001 California Building Code Sections 1134B.2
California Government Code Sections 4451(b) & 4454
California Education Code Section 81133(a)

Effective 1-11-95
Revised 9-3-04

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~There is no dollar value minimum threshold for exempting Access Compliance on small projects except for projects governed by the Field Act. In other words, no matter the cost, the accessibility requirements are initiated by minor (non-cosmetic) work.~~

Resolution: ~~By law, Division of the State Architect/Access Compliance (DSA/AC) must review any and all work that affects path of travel, functional areas, gates, fences, outdoor surfaces, landscaping, grading, and signage, etc. On Field Act projects under \$25,000 no review is required. On other state projects, you may fax or send us the information and drawings. If we do not agree with the general design of the project, we will request reduced drawings showing the work and will charge our hourly rate (presently \$102.00 per hour) or a minimum \$200.00 review fee, whichever is less, for the plan checking of architectural, structural, or civil plans. When compliance issues are resolved, you will be faxed the approval and the fee will be billed. Should the plans not appear complete, or if accessibility features are not indicated, then this office, prior to construction, must approve detailed review of all drawings and specifications.~~

Issue: When alterations, structural repairs or additions are made to existing buildings or facilities, California Building Code Section 1134B.2 indicates that projects shall comply with all applicable accessibility regulations. There is no dollar value minimum threshold for exempting access compliance requirements on minor alteration projects.

California Government Code Section 4454 requires that where state funds are utilized for any building or facility, or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects, no contract shall be awarded until the Department of General Services (DGS) has "issued written approval" stating that the plans and specifications comply with accessibility regulations. California Government Code Section 4451(b) extends DGS jurisdiction to include access compliance at buildings, structures, and facilities, or portions thereof, that are leased, rented, or contracted, sublet, or hired by the state.

Sections 17280-17317, 17365-17374, and 81130-81149 of the California Education Code (CEC), collectively known as the "Field Act", establish DGS jurisdiction over public school and community college construction projects, as well as, procedures to expedite the repair, alteration, and reconstruction of school facilities that have been damaged or destroyed by fire, earthquake, flood, or other manmade or natural disasters. CEC Section 81133(a) requires that, for projects governed by the Field Act, DGS shall "approve or reject all plans for the construction

or, if the estimated cost exceeds twenty-five thousand dollars (\$25,000), the alteration of any school building.”

The statutory obligations of DGS related to building accessibility have been delegated to the Division of the State Architect (DSA).

Resolution: DSA plan review for access compliance is not required for alteration projects governed by the Field Act with estimated costs of \$25,000 and under. However, school districts are required to ensure that these projects comply with all applicable accessibility regulations. All other alteration projects at buildings and facilities under DSA jurisdiction will require DSA plan review for access compliance. Information regarding the plan review process and project submittal can be obtained on the DSA website at www.dsa.dgs.ca.gov, or by contacting one of the DSA Regional Offices.

ACCESSIBLE SEATING AT SERVICE FIXED COUNTERS**95-09**

Reference: 2001 California Building Code Sections 1104B.5 item 4, 1122B.4 & 1134B.2

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Revised 9-3-04

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Issue: Scenario 1 — New Construction: ~~Title 24 requires 5% and not less than 36 inches in length of a lowered area for wheelchair access; if the bar is longer than 60 feet, then obviously 5% of that length will need to be more than 36 inches long. Note that seating for one at a lowered section probably does not offer equal opportunity to sit shoulder to shoulder and converse with others. Therefore, we suggest that lowered seating should accommodate more than one person in order to fully address the intent of statutes in the Health and Safety Code calling for equal opportunity.~~

~~Alternatively for existing bars and counters, DSA/AC will accept equivalent facilitation, and allow an adjacent area with similar architecture and case work of the bar to be built in nearby proximity to the bar. We suggest a mini version of the bar at a lower height with the same ambience, the same case work design, the same architecture, and the same service.~~

Scenario 2 - Existing Bar: ~~Some of the existing bars may have historical fabric, which would allow you to use the State Historical Building Code. One could leave historic bars alone and provide a matching accommodation as described above. In other existing bars non-historical, plan review staff will allow the above situation for a matching sit-down bar when alterations of the existing bar are extremely difficult.~~

Resolution: ~~In general, new bars should be designed in a new way with a section that is lowered for several people at one end, to provide equal opportunity for disabled colleagues and their able-bodied friends to enjoy the same public accommodation as anyone else. Table service, which has been an acceptable alternative in the past in California, and which is still an acceptable alternative in federal ADA requirements, is no longer an option nor is it permissible in California on projects submitted for permit after April 1, 1994.~~

Issue: At fixed counters exceeding 34 inches (864 mm) in height, when food or drink is served for consumption by customers seated on stools or standing at the counter, table service at accessible tables within the same area had been an acceptable alternative to providing accessible seating at the fixed counter. As of April 1, 1994, providing table service instead of accessible seating at a fixed counter is no longer an option in California. California Building Code (CBC) Section 1104B.5 item 4 indicates that each dining, banquet and bar area shall have one wheelchair seating space for each 20 seats, with at least one minimum wheelchair seating space per functional area. In addition, required accessible seating areas shall be integrated with general seating areas to avoid having one area specifically *highlighted* as the area for persons with disabilities. Where fixed counters are provided for the public, CBC Section 1122B.4 indicates that at least 5 percent, but never less than one, of each type of station shall

be located at a section of counter that is at least 36 inches (914 mm) long. However, seating for one at a lowered section of counter does not provide the disabled person with an equal opportunity to sit shoulder-to-shoulder with others and converse. Federal accessibility guidelines recommend that where food or drink is served at fixed counters exceeding 34 inches (864 mm) in height, an accessible portion of counter 60 inches (1524 mm) in length minimum be provided.

Resolution: At dining, banquet, and bar facilities, accessible seating spaces shall be integrated with general seating to avoid having one area specifically *highlighted* as the area for persons with disabilities. At fixed counters exceeding 34 inches (864 mm) in height, where food or drink is served for consumption by customers seated on stools or standing at the counter, the DSA encourages and will accept designs that indicate accessible portions of counters designed to accommodate more than one person, allowing disabled persons an equal opportunity to converse with others.

Under the provisions of CBC 1134B.2, when it is determined that compliance with accessibility regulations in existing buildings or facilities would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided. An example of equivalent facilitation would be to provide an accessible counter or bar with similar architecture, casework, ambience and service, in close proximity to the existing counter or bar, which will accommodate several people. Some existing buildings or facilities have historic significance which may allow use of the State Historical Building Code. Projects will be evaluated by the DSA on a case-by-case basis to ensure both accessibility and an equitable environment are provided to the maximum extent feasible.

DSA POLICY ON SEISMIC UPGRADE PROJECTS**96-01**

Reference: 2001 California Building Code Section 1134B.2
California Office of the Attorney General, Legal Opinion No. 94-1109

Effective 1-18-96
Revised 9-3-04

This interpretation of a regulation is applicable to projects under Division of the State Architect, Access Compliance (DSA/AC) jurisdiction only; this authority encompasses state-funded buildings, facilities and universities, as well as publicly funded elementary schools, secondary schools, and community colleges. Local authorities may or may not adopt similar methods of administering current code requirements, determining equivalent facilitation or defining acceptable parameters when enforcing the California Building Standards Code. [Reference California Government Code Section 4451(f)]

Issue: ~~If buildings are structurally damaged by seismic event, or when their condition requires seismic upgrade and retrofit work, it has been the opinion of the Attorney General for the State of California that accessibility is required.~~

Resolution: ~~The first category is the California Construction Law requirements with regard to construction requirements to provide physical accessibility to buildings when they undergo alteration or seismic repair. There are two requirements for this type of alteration work: (1) the work must comply with the current code requirements for access, (2) there must be a path of travel to toilets which serve the area of alteration. In seismic work the entire building is considered to be the area of alteration work. However, if the seismic upgrade work does not alter the primary use or function of the building, **AND/OR** does not alter the design of rooms and spaces, then it does not trigger path of travel obligation to area of seismic upgrade. If there are areas of alteration of spaces, then there must be path of travel to those areas of altered spaces, as in any existing alteration project designed for accessibility.~~

~~The other most significant category for access work is civil rights issues, which require public entities to offer equal opportunity in programs offered by those agencies. The requirements require a survey of all deficiencies and an upgrade of those deficiencies, as may be necessary to deliver equal opportunity in programs offered by the public entity.~~

~~The Division of the State Architect does not enforce civil rights issues. They are enforced by the U.S. Department of Justice, and it is also enforced by California Statute through the courts. Both state and federal civil rights issues are not considered to be part of plan review work through this office.~~

~~Note: If the question arises whether or not the project meets all ADA requirements, the answer would be **no**, because although we are meeting the accessibility requirements for alteration, we are not taking on all of the programmatic obligations of the agency who owns the facility. But if the question was 'does this project meet State Building Code requirements, or Title 24 requirements', the answer would be **yes**, because we would be providing in these projects a single path of travel to toilets that serve the building.~~

Accessibility Requirements Identified on the Occupancy Basis

All Occupancies: ~~A primary entrance to the building or facility and the primary path of travel to specific area of alterations as follows:~~

- ~~1. any remodeled area which alters an accessibility issue (changes to door widths, corridor widths, path of travel clearances, or room remodels where the layout of the room is changed in a way that affects accessibility);~~
- ~~2. an accessible route to the altered area described above;~~
- ~~3. at least one accessible restroom for each sex as outlined in the occupancy descriptions below;~~
- ~~4. accessible telephones;~~
- ~~5. accessible drinking fountains; and~~
- ~~6. when possible, additional accessible elements such as storage and alarms.~~

Group A Occupancies. ~~These facilities generally have toilet rooms provided for the general public and may have separate toilet facilities for employees only. In these occupancies, two pair (men & women) toilet rooms are required for the facility; one pair for general public and the second pair, if separate, toilet facilities for employees only are provided, unless all of the employees are using the same facilities as the general public.~~

Group B Occupancies. ~~These facilities generally have toilet rooms provided for the general public and may have separate toilet facilities for employees only. In these occupancies, two pair (men & women) toilet rooms are required for these facilities; one pair for general public and the second pair, if separate, toilet rooms for employees only are provided, unless employees are using the same facilities as the general public.~~

Group E Occupancies. ~~Often require separate facilities for staff, children, or students, and toilet facilities for guests or the visiting public. A pair of toilets for each of these uses must be made accessible.~~

Group F Occupancies. ~~These tend to be employee only areas. If there are employee only toilets, a pair of toilets must be provided that are accessible for employees, and a pair of toilets must be provided for the visiting public, if such toilet facilities are provided.~~

Group H Occupancies. ~~These tend to be employee only areas. If there are employee only toilets, a pair of toilets must be provided that are accessible for employees, and a pair of toilets must be provided for the visiting public.~~

Group I Occupancies, Hospitals. ~~These often have many disabled patients. A pair of toilets is required for the staff. A pair of toilets, male and female, is required for guests or the visiting public, and a pair of toilets or a unisex toilet must be provided on each floor of hospitals and other Group I Occupancies.~~

Group M Occupancies. ~~A pair of toilets must be accessible if they are available for the general public and employees.~~

Group R Occupancies. ~~In hotels and apartments, if there are common restrooms, they must be accessible for both male and female visitors, and individual toilet rooms serving units that are accessible or adaptable, must be made accessible according to Table 11B-4 and 11B-5. All ground floor units, or all of the units closest to grade must be made adaptable.~~

~~**Group S Occupancies.** If there are toilets provided, then a pair of toilets shall be accessible to persons with disabilities.~~

~~**Group U Occupancies.** Generally there is no requirement, unless those occupancies are used for educational or recreational use. In that case, if there are separate toilets for employees, then a pair of those must be accessible. If there are toilets provided for the guests or visiting public, a pair of those toilets must also be accessible.~~

~~For further discussion of the above listed types of buildings, on a case-by-case basis, please contact the Access Compliance Policy and Code Development Unit.~~

~~**Elevators in Buildings.** All elevators must be posted in braille as accessible elevators if they are required to provide access to accessible restrooms. Otherwise, only one elevator is required to be accessible in a bank of elevators, as long as it is posted as the only accessible elevator, and the elevator has a dedicated use for persons with disabilities.~~

~~**Historic Buildings.** The Historical Building Code allows alternative accessibility solutions on a case-by-case basis.~~

~~Note 1: For all occupancies, accessible toilets are preferred to be closest to the main lobby or main entrance of the building. With the exception of Group I Occupancies, Hospitals, accessible patient toilets must be provided on each floor. Visitor toilets are preferred to be closest to the main lobby or main entrance.~~

~~Note 2: New work beyond seismic will initiate new codes.~~

Issue: In Legal Opinion No. 94-1109, dated May 10, 1995, the Attorney General for the State of California concluded that seismic strengthening work in an existing building constitutes a "building alteration, structural repair or addition" for purposes of providing access to the building for disabled persons.

When alterations, structural repairs, or additions are made to existing buildings or facilities, California Building Code (CBC) Section 1134B.2 indicates that projects shall comply with all applicable accessibility regulations for new construction. These requirements apply to the area of specific alteration, structural repair or addition, as well as, the primary entrance to the building or facility and the primary path of travel to the specific area of alteration, structural repair or addition including sanitary facilities, drinking fountains, signs, and public telephones serving the area.

In seismic strengthening or upgrade projects, the scope of work often includes the entire building or facility; therefore, it may be difficult to determine the area of specific alteration for the purposes of applying CBC Section 1134B.2.

Resolution: When seismic strengthening or upgrade work occurs in existing buildings or facilities, the entire building or facility is enhanced. Although, there may not be a specific area of alteration, the requirement of CBC Section 1134B.2 to provide access to the building or facility for persons with disabilities is applicable.

In existing buildings or facilities under DSA jurisdiction, if seismic strengthening or upgrade work does not alter the primary use or function of the building or facility and/or does not alter the design of specific rooms or spaces, then the requirement for an accessible path of travel to the area of specific alteration does not apply. However, the requirement to provide an accessible primary entrance, sanitary facilities, drinking fountains, signs, and public telephones, as well as, an accessible path of travel connecting these elements shall be met.

In existing buildings or facilities under DSA jurisdiction, when the primary use or function of the building or facility and/or the design of specific rooms or spaces are altered, the seismic strengthening or upgrade work shall comply with all applicable accessibility regulations for new construction. In addition, the obligation to provide an accessible primary entrance to the building or facility and primary path of travel to the specific area of alteration, including sanitary facilities, drinking fountains, signs, and public telephones serving the area shall be met.

Any work done in conjunction with the seismic strengthening or upgrade project, such as alterations or additions to the building or facility, shall comply with all applicable accessibility regulations.

HANDRAILS AT SINGLE STEPS CONDITIONS**96-10**

Reference: 2001 California Building Code Sections 220-S & 1133B.4.1

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Revised 9-3-04

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~~**Issue:** The definition of 'Stairway' is:~~

~~**STAIRWAY. Two or more risers shall constitute a stairway.**~~

~~Since handrails are required by code for 'stairways', it appears that there is no requirement for single steps. Model code does not address accessibility at single step conditions.~~

~~**Resolution:** The Division of the State Architect, (DSA/AC), must review any and all work which effects accessibility for path of travel, functional areas, outdoor gates, fences, outdoor surfaces, landscaping, and grading. Government Code 4450 requires compliance with the Americans with Disabilities Act Accessibility Guidelines until minimum standards are adopted. Therefore, in order to meet State legislative mandates to approve plans meeting the intent of Gov. Code 4450, DSA/AC does require handrails at single step conditions where path of travel to new work is required to be accessible.~~

~~**Issue:** California Building Code (CBC) Section 220-S defines 'stairway' as 'two or more risers'. Since handrails are required by CBC Section 1133B.4.1.1 at 'stairways', it appears that there is no requirement for handrails at single step conditions.~~

~~The Americans with Disabilities Act Accessibility Guidelines (ADAAG) state that stairways shall have handrails at both sides of all stairs; however, a definition for stairway is not provided.~~

~~**Resolution:** Until such building standards are published in the California Building Standards Code that meet or exceed the requirements of the federal Americans with Disabilities Act, the DSA encourages and will accept construction documents that indicate handrails at single step conditions. Handrails shall comply with CBC Section 1133B.4.1.~~

UNISEX RESTROOMS TOILET ROOMS**97-01**Reference: 2001 California Building Code Sections 1115B.1, 1115B.2, 1115B.7.2,
1134B.2.1 & 1134B.2.2Effective 1-17-97
Revised 9-3-04

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~~**Issue:** Where separate toilet facilities are available for the general public, separate facilities shall be made available for persons with disabilities. However, sometimes there are grounds for unreasonable hardships in existing buildings. In alteration projects in existing buildings, some projects are eligible for unreasonable hardship consideration due to legal or physical constraints. One of the solutions available is to allow limited use toilets when hardships are granted by the building official. Such unreasonable hardship toilet compartments have been illustrated in the building code as front-transfer or side-transfer arrangements. Generally, these provide some access for persons with disabilities who are not severely limited in mobility. These designs are often used in male and female toilet rooms so that some access can be provided where separate facilities are offered.~~

~~DSA has had many comments from the disabled community preferring a fully accessible unisex toilet room rather than separate sex partially accessible toilet rooms. In high rise construction, back-to-back male and female toilets may occur on every floor. It seems more practical to provide a pair of fully accessible toilets when clearly possible and, on projects where hardship is granted due to legal or physical constraints, DSA would prefer to approve unisex toilets as they provide greater usability for persons with disabilities.~~

~~**Resolution:** Only on projects where the building official grants an unreasonable hardship, and where front-transfer or side-transfer toilets would be considered an option, DSA will accept unisex fully accessible toilets as equivalent to a pair of partially accessible arrangements. Unisex toilets will be permitted where full code compliance is technically infeasible, after the effective date of the 1999 amendments to the CA Building Code.~~

~~NOTE 1: Currently, accepting unisex toilets as equivalent to fully accessible separate toilet compartments is not appropriate for new construction or alteration without unreasonable hardship.~~

~~NOTE 2: Labor code issues may require separate facilities within a reasonable distance when there are four or more employees serving a business.~~

Issue: California Building Code (CBC) Section 1115B.2 indicates that where separate toilet rooms are provided for nondisabled persons of each sex, then separate toilet rooms shall be provided for persons with disabilities of each sex also. However, CBC Section 1134B.2.2 indicates that in existing buildings where it is technically infeasible in an area of alteration to make existing restroom facilities code compliant and to install separate toilet rooms for each sex, then the installation of at least one unisex toilet room per floor being altered will be

permitted. The unisex toilet room must be located in the same area as the existing restroom facilities.

When alterations, structural repairs or additions are made to existing buildings or facilities, CBC Section 1134B.2 indicates that restroom facilities serving the specific area of alteration shall comply with all provisions for new buildings, unless the exceptions contained within that section are utilized. The exception to CBC Section 1115B.1 indicates that in existing buildings or facilities, when the enforcing agency determines that compliance with the building standards would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided. When equivalent facilitation is used, a fully accessible unisex toilet room provides greater usability for disabled persons than a pair of partially accessible single-sex toilet rooms. The unisex toilet room must be located within a reasonable distance of accessible areas.

Resolution: In existing buildings or facilities, unisex toilet rooms will be permitted where it is determined that full code compliance is technically infeasible in an area of alteration per CBC Section 1134B.2.2. Under the provisions of CBC Section 1134B.2.1, when it is determined that compliance with accessibility regulations in existing buildings or facilities would create an unreasonable hardship, an exception may be granted when a unisex toilet room is provided as equivalent facilitation. The unisex toilet rooms shall be located on the same floor and in the same area as the existing inaccessible restroom facilities, and shall meet the requirements of CBC Section 1115B.7.2.

Unisex toilet rooms benefit people who use opposite sex personal care assistants. For this reason, it is advantageous to install unisex toilet rooms in new buildings and facilities in addition to a pair of separate accessible toilet rooms. However, unisex toilet rooms may not be utilized in place of separate accessible toilet rooms for each sex in new construction.

Note: California labor codes may require separate toilet rooms for each sex when there are five or more employees serving a business.

TOILET PAPER DISPENSERS**99-07**

Reference: 2001 California Building Code Sections 1115B.7.1 item 3 & 1118B.4

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~~**Issue:** California Government Code requires public accommodations to be accessible and available on an accessible route with equal facility. When other than flushed toilet paper dispensers are used in an accessible toilet stall or room, the required clearance width of access to the side of the toilet may be reduced, thus limiting accessibility.~~

~~**Resolution:** Limit the projection of a surface or semi-surface mounted accessory from encroaching more than three inches from the face of the wall or partition, and no closer than one and one-half inches to the tangent point of the grab bar.~~

Issue: California Building Code (CBC) Section 1118B.4 requires a minimum clear floor space 30 inches (762 mm) by 48 inches (1219 mm) to accommodate a single, stationary wheelchair and occupant. CBC Section 1115B.7.1 item 3 indicates that within a water closet compartment, the centerline of the water closet shall be 18 inches (457 mm) from the side wall or partition closest to the water closet. When the 30 inch (762 mm) by 48 inch (1219 mm) required clear floor space is centered on a water closet (15 inches (381 mm) on either side of the water closet centerline), a 3 inch (76 mm) wide space remains for wall-mounted components such as grab bars, toilet paper dispensers, etc. CBC Section 1115B.7.1 does indicate that grab bars shall not project more than 3 inches (76 mm) into the required space between the water closet and side wall; however, toilet paper dispensers are not specifically mentioned in this code section. Federal accessibility guidelines recommend that the space between the grab bar and projecting objects below be 1-1/2 inches (38 mm).

Resolution: The DSA encourages and will accept construction documents that indicate the projection of surface-mounted or semi-recessed toilet paper dispensers to be no more than 3 inches (76 mm) from the face of the wall or partition. In addition, it is recommended that the space between the toilet paper dispenser and the tangent point of the grab bar be 1-1/2 inches (38 mm) minimum.

**DOORSTOPS AND OTHER FLOOR
MOUNTED OBSTRUCTIONS****99-08**

Reference: 2001 California Building Code Sections 1114B.1.2 & 1133B.8.6.1

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~~**Issue:** California Government Code 4452 and Title 24, Part 2 require public accommodations to be accessible and available on an accessible route with equal facility. To assure that the path of travel is free of hazards, care must be taken in the design and placement of walking surface or wall-mounted components.~~

~~**Resolution:** Floor-mounted door stops and similar obstructions are allowed to be installed at a maximum of four inches from the face of the wall or partition. Refer to Title 24, Section 1133B.8.6, for protruding objects.~~

Issue: California Building Code (CBC) Section 1114B.1.2 indicates that when a building, or portion of a building, is required to be accessible, an accessible route of travel shall be provided to all portions of the building. CBC Section 1133B.8.6.1 establishes protrusion limits for objects projecting from a wall into an accessible route of travel. However, floor-mounted components such as doorstops are not specifically mentioned in this code section.

Resolution: Careful design and placement of floor-mounted components to avoid tripping hazards along accessible routes of travel will help ensure the general safety and welfare of the public. Therefore, the DSA encourages and will accept construction documents that indicate floor-mounted doorstops and similar obstructions installed at a maximum of four inches (102 mm) from the face of the adjacent wall or partition.